



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,668	09/07/1999	SHIMON SHNITZER	28428	1592

7590 11/26/2004

MARTIN D. MOYNIHAN
C/O ANTHONY CASTORINA
2001 JEFFERSON DAVIS HIGHWAY
SUITE 207
ARLINGTON, VA 22202

EXAMINER

QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
----------	--------------

2667

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/392,668

Applicant(s)

SHNITZER ET AL.

Examiner

Afsar M Qureshi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-20 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25, 27 and 29-33 is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-20, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Responsive to amendment, received on October 04, 2004, amended claims entered as requested. Cancelled claims 14 and 21 as indicated in the amendment. Rejection of claim 31, under 112, 2nd Paragraph, is withdrawn.

2. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

3. Claims 1-13, 15, 16, 18 - 20 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson (US Patent No. 6169734).

Regarding claims 1, 7, and 13. Wilson teaches: a telephone set 50 with a connection 88 to a computer 90 (Figure 2) where the device can process analog/digital signals for transmissions on a network, (Col 3, lines 60-63).

Wilson further discloses that the Internet phone 50 has POTS features for plain old voice communication performing functions similar to an ordinary off-the shelf telephone (see col. 3, lines 56-63).

Regarding claims 2, 3, 8 and 9. Wilson teaches: output ports to a telephone socket 80, 82 and 84 (Figure 2), where 84 is the connection to the PSTN.

Regarding claims 4, 5, 10 and 12. Wilson teaches: a process of adding parameters including: IP address, domain name server address and a phone number to

be stored in a readily accessible data storage device, where the data is entered by the phone keypad 142(Col 6, lines 6-12).

Regarding claims 6 and 11. Wilson teaches: the computer can interact with Internet (Col 4, lines 50-55).

Regarding claim 15. Wilson teaches: voice as a type of communication to be conducted (Abstract).

Regarding claim 16. Wilson teaches: all of the above embodiments and a computer 15 having control software for controlling a phone system attached (Col 3, lines).

Regarding claim 18. Wilson teaches: a program used to exchange data for a call (Col 3, lines 27-35).

Regarding claim 20. Wilson teaches: a ringer circuit 165 where the ringer is attached to voltage dependent components of an electronic circuit (Figure 3), where the components of figure 3 represent the internal structure of a phone 50 of figure 2 and that phone having a connection the a PSTN (Figure 2).

Regarding claims 19 and 26. Wilson teaches: all of the above embodiment and a connection to the PSTN 84 and a computer 90 where the telephone has an autonomous internal digital switch type control mechanism coupled to the phone instrument and where voice is transferred to the PSTN and to its internal digital switch processing unit and signaling information to the computer through the wired connection 88 (Figure 2).

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Wilson (US Patent No. 6169734) in view of Turock (US Patent No. 6243373).

Wilson teaches a telephone device that attaches to a computer containing all of the above embodiments except the digital conversion of an analog voice signal to be sent to the attached computer and the use of encryption within the software processing.

Turock teaches the use of an analog to digital conversion process for a transmitting computer to send a voice signal digitized to a receiving computer which does analog to digital voice conversion (Col 4, lines 5-13) and a module used to encrypt a voice message from being tampered with over the Internet (Col 10, lines 42-44). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an analog to digital converter and a digital to analog converter in a single phone unit to send and receive calls that are originally analog over a digital signaling medium to simulate a typical phone conversation consisting of both parties talking and listening while being protected from potential eavesdropping.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (US Patent No. 6169734) in view of Foster et al. (US Patent No. 6466550).

Wilson teaches: a telephone device interfaced to a computer and all of the above embodiments except a method of mixing voice information. Foster et al. teaches: voice and over the Internet with mixing of voice data (Col 5, lines 45-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the use of a mixer mechanism for a method of data processing that provides an arbitration process for effective data screening.

Allowable Subject Matter

6. Claims 22-25, 27, 29 and 30-31 are allowed over the prior art of record. The amended claims specifically disclose that the digital telephone switch controller is autonomous respectively of local telephone instrument, computer and PSTN. Although Wilson teaches a digital telephone switch control circuit, nonetheless, fails to disclose the above underlined limitation.

Response to Arguments

7. Applicant's arguments, filed on 10/0/2004, in reference to claims 1-13, 15 - 20, 26 and 28 have been fully considered but they are not persuasive.

Applicant argued that the telephone device disclosed in the cited art is not the same as regular off-the shelf telephone. The Examiner believes that the telephone device and the functions taught by Wilson (US 6, 169,734) also comprise functions of a regular off-the shelf telephone, as cited in the rejection of claim 1 above. All those variations in the alternative structure that fall within the scope of this invention can readily be conceived by an artisan in the pertinent field.

The Examiner noted the generic discussion of cited art as compared to current invention (pages 10 -11) and contends that all the limitations of the above rejected claims are taught by the above cited art.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2667

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272 3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2667

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 18, 2004


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 11/24/04